

David Mick, Chairperson
Wes Nance, Vice Chairperson
Penny Schultz, Secretary
Lisa Cason
Mike Crawley
Laura F. O'Quinn
C. Andrew Rice
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COMMONWEALTH of VIRGINIA
Board of Juvenile Justice

DRAFT BOARD MINUTES

December 2, 2025
All-Virtual Public Meeting

Board Member Present: Lisa Cason, Michael Crawley, David Mick, Wes Nance, Laura O'Quinn, Andrew Rice, Kayla Robinson, Penny Schultz, and Marsha Tsiptsis

Board Members Absent: None

Department of Juvenile Justice (Department) Staff: Cristina Agee (Office of the Attorney General), Ken Davis, Michael Favale, Amy Floriano, Kevin Heller, Wendy Hoffman, Dale Holden, Nikia Jones, Andrea McMahon, Guillermo Novo, Kristen Peterson, and Cassandra Sheehan (Office of the Attorney General)

Guests: Valerie Slater (RISE for Youth) and William Wimbish (Tidewater Youth Services Commission)

CALL TO ORDER AND INTRODUCTIONS

Chairperson Mick called the meeting to order at 9:32 a.m. and asked for introductions.

ALL-VIRTUAL PUBLIC MEETING ANNOUNCEMENT

Mike Favale, Deputy Director of Policy, Department

Mr. Favale announced that because James Towey had another obligation, Mr. Favale would proceed with the all-virtual public meeting statement.

The meeting today is an all-virtual public meeting and is authorized pursuant to Virginia Code section 2.2-3708.3 and the Board's policy governing all-virtual public meetings. Specifically, circumstances warrant that the meeting be all virtual based on convenience. The Board has not had more than two all-virtual public meetings during this calendar year, and the Board's last meeting was not all virtual. Public access is being provided by electronic communication, which allows the public to hear all participating members of the Board and audio-visual technology is being used to allow the public to see the members of the Board. An email account that was provided to the public on the Department's website will be monitored throughout the meeting, alerting if someone notifies that electronic transmission of the meeting fails. The public is also being afforded the opportunity

to comment through electronic means. There cannot be more than two members of the Board together at one physical location, and that is not the case for today's meeting. Lastly, a member of the Board shall, for the purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails, or during which audio communication otherwise fails. Mr. Favale asked the Board members to keep their cameras on throughout the meeting.

Mr. Favale noted the presence of a quorum and indicated the meeting could move forward with topics that require a vote.

PUBLIC COMMENT

There was no public comment.

CONSIDERATION OF BOARD MINUTES

The minutes of the August 18, 2025, and October 27, 2025, Board meetings were offered for approval. Board Member Schultz asked for the spelling of her name to be corrected on pages 2 and 27 of the Board packet containing the minutes. On motion duly made by David Mick and seconded by Laura O'Quinn, the Board of Juvenile Justice approved the minutes as amended. All Board members present declared "aye," and the motion carried.

NEW BUSINESS

Request Authorization to Extend Variance for Tidewater Youth Services Commission Apartment Living Program

Kristen Peterson, Regulatory Affairs Coordinator, Department

Ms. Peterson presented the Tidewater Youth Services Commission's request on behalf of their Apartment Living Program for an extension of a variance and noted that Mr. William Wimbish, the deputy director of the Tidewater Youth Services Commission, was present at the meeting to provide additional information regarding this request and answer any questions about program operations at the facility.

Ms. Peterson explained that the certification regulation (6VAC35-2090.2) allows for programs and facilities concerned about their ability to meet regulatory requirements to seek a variance from the Board of Juvenile Justice to be excused from regulatory requirements that are not critical. The certification regulation requires that critical regulatory requirements be met with 100% compliance, and only non-critical regulatory requirements are eligible for variances. The Tidewater Youth Services Commission's Apartment Living Program is seeking to extend the variance originally issued in 2016 and extended in 2020 relating to the three regulatory requirements listed on page 39 of the Board packet dealing with nutrition and staff supervision of residents. The Apartment Living Program allows residents to live in apartment-style settings and develop independent living skills that help prepare them to live independently and successfully after completion of the program.

Ms. Peterson discussed the three specific regulatory requirements that the Tidewater Youth Services Commission's Apartment Living Program had struggled to meet, prompting these variances.

1. 6VAC 35-41-650 Subsection C provides that menus of actual meals served shall be kept on file for at least six months. Because of the independent nature of the program and the fact that the facility is seeking to ensure residents are developing these independent living skills, there is no food technician or manager on the premises; the residents are responsible for their own meal preparation and grocery shopping. The Apartment Living Program has some challenges with meeting the record-keeping requirement because of instances where residents' work or school schedules make it difficult for them to comply with the meal plans put in place. Staff may have some challenges monitoring and tracking the meals given to the residents or that the residents prepare.
2. 6VAC35-41-650 Subsection E says there can be no more than 15 hours between the evening meal and breakfast the next morning except when the facility administrator approves an extension of time between meals on weekends and holidays. If there is an extension approved by the facility administrator, it can never be more than 17 hours between the evening meal and breakfast. Language in the Subsection A says residents have to be provided three nutritionally balanced meals and an evening snack; so, the 15-hour period also consists of an evening snack. Residents do not go 15 hours without any food.

The concern with this provision is about tracking the time. Residents are in an independent setting and may have various work or school schedules that might get interrupted. Schedules are unpredictable and might make it difficult for staff members to track when the meals are actually being taken. For that reason, the program has asked for an extension to the variance currently in place.

3. 6VAC35-41-920 Subsection D sets out requirements regarding staff supervision of residents and provides there shall always be at least one trained direct care staff member on duty and actively supervising residents at all times that one or more residents are present. The concern is with instances when there may be one staff member on a shift at a given time, but residents may be off site and may encounter an emergency requiring that single staff member to leave the facility for a short period of time to attend to the particular resident with the emergency. The variance currently in place allows that staff member to leave the facility for a period of up to one hour, in order to address a resident who is off-site experiencing an emergency.

The proposed scope of the variance is discussed on page 41 of the Board packet. The proposed variance text to 6VAC35-41-920, is underlined and provides that a trained direct care staff on single coverage and actively supervising residents in the Apartment Living Program will be authorized in emergencies to leave the facility for up to an hour in order to address a resident who is away from the facility and in need of immediate assistance.

Under the variance, the program needs to comply with two requirements: (a) the staff member must provide notice to the facility administrator or other supervisor before leaving the facility; and (b) the residents who remain on campus must be provided an emergency telephone number or other means of immediately communicating with staff.

The variance to the three regulatory provisions has been in place since 2016 with the Board approving an extension in 2020. The current variance expires today, and the Tidewater Youth Services Commission is requesting another extension. Proposed amendments to this regulatory

chapter are moving through the lengthy standard regulatory process and are currently in the Final Stage of the process. The proposed amendments incorporate the concepts of this variance. The Board has already endorsed the concepts contained within this variance by allowing the proposed amendments to be included in the regulatory action underway.

The Board is required to specify the scope and duration of the variance. The Tidewater Youth Services Commission is asking for the variance to be extended for an additional five years or until the regulation is updated to incorporate these concepts.

Ms. Peterson introduced Mr. Wimbish who proceeded to speak to the variance request.

Mr. Wimbish introduced himself as the Deputy Director at the Tidewater Youth Services Commission, and Amanda Cassimore, the Director for the Apartment Living Program, who was joining him in his office. Mr. Wimbish thanked Ms. Peterson for outlining why this variance was needed to make the program a success.

Mr. Wimbish went on to describe parts of the program.

Often the young people in the program start off with restaurant-based jobs and are offered food at their job as a benefit. The program does not have control over what food is being offered to them. When coming into the job atmosphere, many young people in the program don't have experience, and shift work is often the only option. The young person may work an overnight shift and will be eating outside of the parameters set. Mr. Wimbish indicated his concern with holding the young person to a requirement that differs significantly from the pattern they observe while working.

The program is located in Virginia Beach, less than two blocks from the oceanfront, and weather changes quickly and sometimes with severity. Often, the young people utilize public transportation, walk, or ride bicycles. Sometimes, the young people have been in the community and needed assistance to return to the program, but there was only a single staff member on duty. Staff can go into the community after talking to the administrator to respond to such things as a weather warning and to pick residents up and bring them back to the program.

For immediate medical emergencies such as illnesses or injuries, the paramedics would be called. If the young person needs to leave work due to a medical issue and is unable to ride their bike, the variance would allow staff to support the youth needing help.

Board member Nance asked if any other programs were having issues with these same regulations and whether the Board had to approve variances for any other programs due to the nature of the program itself? Director Floriano responded that a variance was approved for Merrimac dealing with cognitive behavioral therapy. Ms. Peterson noted with respect to these regulatory requirements and group homes, that no variance requests regarding the nutrition provisions or the staff supervision provisions had been submitted. Mr. Wimbish added that the variance is needed because of the way the program is formatted; the Apartment Living Program is not a group home. These are independent apartments seeking to transition youth into adulthood.

Chairperson Mick observed the program has eight participants and four, two-bedroom apartments and asked whether the apartments were connected. Mr. Wimbish answered they are separate apartments in the same unit. Chairperson Mick noted that these are not 14- or 15-year-old kids, but 17- to 20-year-olds entering adulthood and trying to live on their own. It is not necessarily the group

home atmosphere where everybody is together; these young people are in individual units. Mr. Wimbish answered that this was correct.

On motion duly made by David Mick and seconded by Wes Nance, pursuant to 6VAC35-20-92, the Board of Juvenile Justice approved the Tidewater Youth Services Commission's Apartment Living Program's request to extend the variances to subsections C and E of 6VAC35-41-650 and to 6VAC35-41-920 regarding menu retention, periods between meals, and staff supervision of residents, as agreed upon at the December 2, 2025, meeting. The variances shall remain in effect for five years or until their terms are adopted in the Regulation Governing Juvenile Group Homes and Halfway Houses (6VAC35-41), whichever occurs first. All Board members present declared "aye," and the motion carried.

DIRECTOR REMARKS AND BOARD COMMENTS

Director Floriano indicated this will probably be her last Board meeting, given the upcoming transition. Director Floriano said she greatly appreciated working with the Board and thanked the Attorney General's office for their help with the litany of problems created over the past four years. Director Floriano said her team was fantastic, and expressed her excitement about the Board's future endeavors. Director Floriano concluded by saying she is an ally and would be available, if needed.

Chairperson Mick commented that programs like the Apartment Living Program are great. As a juvenile prosecutor and public defender, Chairperson Mick has seen kids come into the system at 13 or 14 years old who have never been taught to balance a checkbook, and such programs are beneficial. There is a need to look for opportunities to do this same type of program in other areas, as they help kids to avoid reoffending and to find a sense of worth in their life. Chairperson Mick shared his appreciation of the hard work in setting up the program and its impact on kids' lives going forward.

Mr. Wimbish thanked Chairperson Mick for the remarks and noted his belief that success comes from a combination of efforts with the Department. The program provides fulfillment for the youth and helps them to make themselves better people and successful citizens.

Cassandra Sheehan thanked Director Floriano for her service and said how wonderful it was to work with her. Ms. Sheehan noted that, regardless of what happens, Director Floriano should know that she has made a big impact and it is appreciated.

NEXT MEETING

The 2026 schedule is pending.

ADJOURNMENT

Chairperson Mick adjourned the meeting at 10:03 a.m. and wished all happy holidays.